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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KESHAV BHATTARAI; SAJJAN PANDEY,
SUMNIMA THAPA; DONALDO POSADAS
CACERES; SORAYDA RODRIGUEZ
MOTIÑO; DENIS MOLINA CHAVEZ; S.S.,
individually and on behalf of others similarly
situated; and G.D.P., individually and on
behalf of others similarly situated,

Plaintiffs,

v.

KIRSTJEN NIELSEN, in her official capacity
as Secretary of Homeland Security; ELAINE
C. DUKE, in her official capacity as Deputy
Secretary of Homeland Security; UNITED
STATES DEPARTMENT OF HOMELAND
SECURITY; and UNITED STATES OF
AMERICA.

Defendants.

Case No. 3:19-cv-00731-JST

**PLAINTIFFS' NOTICE OF PENDENCY OF
OTHER ACTION OR PROCEEDING**

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**pro hac vice application forthcoming*

Notice of Pendency Of Other Action Or Proceeding

Under Civil L.R. 3-13(a), whenever a party knows or learns that an action filed in the Northern District of California involves “all or a material part of the same subject matter and all or substantially all of the same parties” as another action that is pending in any other federal court, the party must file and serve a “notice of pendency of other action or proceeding.” Plaintiffs are currently aware of one lawsuit pending in this District and four lawsuits pending in federal courts outside of this District challenging the process by which the Department of Homeland Security terminated Temporary Protected Status (“TPS”), 8 U.S.C. § 1254a, for TPS-designated countries:

(1) *Ramos et al., v. Nielsen et al.*, No. 3:18-cv-1554, filed on March 12, 2018 in this district by TPS holders from El Salvador, Haiti, Nicaragua, and Sudan, and U.S. citizen-children of TPS holders from El Salvador and Haiti. The complaint alleges that defendants violated the equal protection guarantee of the Fifth Amendment, by discriminating on the basis of race, ethnicity, and national origin, and the Due Process Clause of the Fifth Amendment with respect to TPS decisions for El Salvador, Haiti, Nicaragua, and Sudan. The complaint also alleges that defendants violated the APA when terminating TPS for those countries.

(2) *NAACP v. U.S. Dep’t of Homeland Sec. et al.*, No. 18-cv-00239-MJG, filed January 24, 2018 in the U.S. District Court for the District of Maryland, by plaintiff National Association for the Advancement of Colored People (“NAACP”). The complaint alleges that defendants violated the equal protection guarantee of the Fifth Amendment by discriminating on the basis of race, ethnicity, and national origin with respect to termination of TPS for Haiti.

(3) *Centro Presente et al. v. Donald Trump et al.*, No. 18-cv-10340, filed on February 22, 2018, in the U.S. District Court for the District of Massachusetts, by plaintiffs Centro Presente and TPS holders from El Salvador, Haiti, and Honduras. The complaint alleges that defendants violated the equal protection guarantee of the Fifth Amendment, by discriminating on the basis of race, ethnicity, and national origin, and the Due Process Clause of the Fifth Amendment with respect to TPS decisions for El Salvador, Haiti and Honduras. The complaint also alleges that

1 defendants violated the Administrative Procedure Act (“APA”), 5 U.S.C. §§ 701–706, when
2 terminating TPS for those countries.

3 (4) *Saget et al. v. Trump et al.*, No. 1:18-cv-01599-WFK-ST, filed on May 31, 2018 in the
4 U.S. District Court for the Eastern District of New York, by the Haitian newspaper Haïti Liberté,
5 the Family Action Network Movement, Inc., and TPS holders from Haiti. The complaint alleges
6 that defendants violated the equal protection guarantee of the Fifth Amendment, by discriminating
7 on the basis of race, ethnicity, and national origin, and the Due Process Clause of the Fifth
8 Amendment with respect to the TPS decision for Haiti. The complaint also alleges that defendants
9 violated the APA, the Regulatory Flexibility Act, 5 U.S.C. §§ 601 et seq., and the Immigration and
10 Nationality Act (“INA”), 8 U.S.C. § 1254a(b)(1)(A-C).

11 (5) *Casa de Maryland, Inc. v. Trump et al.*, No. 8:18-cv-00845-GJH, filed on March 23,
12 2018 in the U.S. District Court for the District of Maryland, by Casa de Maryland and TPS holders
13 from El Salvador. The complaint alleges that defendants violated the equal protection guarantee of
14 the Fifth Amendment, by discriminating on the basis of race, ethnicity, and national origin, and
15 the Due Process Clause of the Fifth Amendment with respect to the TPS decision for El Salvador.
16 The complaint also alleges that defendants violated the APA and the INA.

17 The instant case alleges Fifth Amendment equal protection and APA claims by TPS
18 recipients from Nepal and Honduras, and Fifth Amendment due process claims on behalf of U.S.
19 citizen-children of TPS recipients from Nepal and Honduras. Multiple plaintiffs reside in this
20 District. This case thus is appropriately brought in this District and, for the reasons set forth in the
21 concurrently-filed notice of related action, should be assigned to Judge Chen, who is overseeing
22 *Ramos*, to avoid conflicts, conserve resources, and promote efficient resolution. L.R. 3-
23 13(b)(3)(B).

1 Date: February 11, 2019

Respectfully submitted,

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